

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CHRIS B. BROWN

*

Plaintiff

*

vs.

* CIVIL ACTION NO. MJG-15-1724

BALTIMORE COUNTY, MARYLAND,
et al.

*

Defendants

*

* * * * *

MEMORANDUM AND ORDER RE: DEFAULT

The Court has before it the Motion for Default Judgment Against Officer David Laboard [ECF No. 13], the Order of Default [ECF No. 15] and the Motion to Set Aside Order of Default By Defendant, James Laboard [ECF No. 16]. The Court finds that a hearing is unnecessary.

Plaintiff sought, and obtained, an Order of Default based upon the representation that service has been effected upon Defendant Laboard and that he was at fault for failing to respond to the Complaint. Defendant Laboard has presented evidence indicating that service was not properly effected.

The Court finds it unnecessary for the parties to devote further resources to the service dispute. Even if - contrary to the Court's belief - Defendant Laboard's submissions were inaccurate, the Court would not impose the sanction of a default judgment against him.

Accordingly:

1. The Motion to Set Aside Order of Default By Defendant, James Laboard [ECF No. 16] is GRANTED
2. The Motion For Default Judgment Against Officer David Laboard [ECF No. 13] is DENIED.
3. The Order of Default [ECF No. 15] is RESCINDED.
4. Defendant Laboard shall respond to the Complaint by January 8, 2016.

SO ORDERED, on Monday, December 21, 2015.

/s/

Marvin J. Garbis
United States District Judge